

REMARKS

Claims 1, 3, 5, 6, 8, 10-15, 17, and 19-24 are pending in the above-identified application.

Claims 15, 19, 20 and 24 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 4,566,678 to Anderson (hereinafter referred to as "Anderson"). The rejection is traversed following.

Anderson discloses a method of making useful hollow bodies from a block of thermoplastic elastomer material having a selected initial axial height and an axial core opening. The method includes applying an axial force to the block sufficient to compress the block a substantial extent to reduce the free height of the block and expand the axial core opening transversely outwardly for defining sidewalls of the hollow elastomer body to be produced. The axial force is then removed, and the resulting hollow elastomer body is prepared for use as a compression spring or other useful device. (Anderson, abstract, p. 1). Anderson further discloses that the shape of the hollow elastomer body produced in accordance with the Anderson method, can be cylindrical, oval, generally rectangular, or square in configuration. (Anderson, col. 2, ll. 36-37).

Anderson does not disclose a compression spring in the shape of a torus as recited in claim 15. Further, the method of manufacturing the compression springs of Anderson includes compressing elastomer blocks using compression jigs such as the plates P in Figure 3 and the jaws J shown in Figure 5 of Anderson. (Anderson, col. 4, ll. 20-24; col. 5, l. 66 - col. 6, l. 15). The compression jigs disclosed in Anderson are not capable of producing a torus shaped compression spring as recited in claim 15.

In response to the same rejection under 35 U.S.C. § 102(b) set forth in the Office Action dated September 15, 2004, the Applicant amended claim 15 to replace the term "toroid" with "torus" which was intended to further limit the scope of the claim and distinguish the claimed invention over Anderson. As defined in Merriam-Webster's Third New International Dictionary the word "torus" is defined as "a surface or solid shaped like a doughnut and formed by revolving a circle about a line in its plane without intersecting it." (See Exhibit A

attached hereto). Whereas, the word "toroid" as defined in Merriam-Webster's Third New International Dictionary means "a surface generated by the rotation of a plane closed curve about an axis lying in its plane and not intersecting it." (See Exhibit B attached hereto).

Applicant hereby adopts the above-identified dictionary definitions for the purpose of the present application. Thus, pending claim 15 recites a bearing pad assembly comprising, *inter alia*, at least one compression spring positioned within the first housing bore, the compression spring comprising a solid resilient material having a torus shape. The term torus describing a surface or solid shaped like a doughnut and formed by revolving a circle about a line in its plane without intersecting it. Since Applicant has adopted the above-identified Merriam-Webster dictionary definition for the term "torus", the patent references identified by the Examiner and purported to define the term "torus" are not relevant to the present application.

Applicant respectfully submits that the same Merriam-Webster dictionary definition for the word "torus" was previously adopted by Applicant for use with this application in the Response to Office Action filed February 8, 2002. (See Response to Office Action filed February 8, 2002, p. 4, line 20 – p. 5, line 2).

To support an anticipation rejection under 35 U.S.C. § 102 each and every element or limitation in the rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Anderson does not disclose a compression spring in the shape of a torus, as set forth above, Anderson does not teach each and every element or limitation recited in claim 15. Therefore, it cannot be maintained that claim 15 is anticipated by Anderson. Moreover, because claims 19, 20 and 24 each depend either directly or indirectly from and thereby incorporate the limitations of claim 15, these dependent claims are likewise deemed not anticipated by Anderson for at least the reasons set forth for claim 15.

Claims 1, 3, 5, 6, 8, 10-14, 17 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anderson in view of U.S. Patent No. 4,465,799 to Platkiewicz et al. (hereinafter referred to as "Platkiewicz"), in view of U.S. Patent No. 5,036,774 to Curtis et al. (hereinafter referred to as "Curtis") and in view of U.S. Patent No. 5,086,707 to Spencer et al. (hereinafter referred to as

"Spencer").

To establish a prima facie case of obviousness for a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

With respect to the section 103 rejection of claims 1, 3, 5, 6, 8, 10-14, and 17 and 23, Anderson is cited as the primary reference wherein the Examiner has allegedly identified all of the elements of claim 1 except for at least one slip lining positioned between said first housing exterior surface and a bore wall defining said second housing bore.

Similar to claim 15, claim 1 includes that the compression spring has a torus shape. Accordingly, for at least the reasons set forth above with respect to claim 15, Anderson does not teach or suggest all of the limitations of claim 1 except for the slip lining. Therefore, the Examiner has not established that Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer, teach or suggest each and every element of claim 1.

Thus, for at least the above-identified reasons, claim 1 is not obvious under 35 U.S.C. § 103(a) over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer, and the rejection of claim 1 should be withdrawn.

Claims 3, 5, 6, 8, 10-14, 17 and 23 depend either directly or indirectly from claim 1 and also recite additional limitations. Since claim 1 is not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer for at least the above-identified reasons, dependent claims 3, 5, 6, 8, 10-14, 17 and 23 are also not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer. Therefore, the rejection of claims 3, 5, 6, 8, 10-14, 17 and 23 under 35 U.S.C. § 103(a) should also be withdrawn.

Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer.

Claims 21 and 22 depend either directly or indirectly from claim 15 and also recite additional limitations. Since claim 15 is not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer for at least the above-identified reasons, dependent claims 21 and 22 are also not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer.


Therefore, the rejection of claims 21 and 22 under 35 U.S.C. § 103(a) should also be withdrawn.

In view of the foregoing, it is respectfully submitted that claims 1, 3, 5, 6, 8, 10-15, 17, and 19-24 are allowable.

All issues raised by the Examiner having been addressed herein, it is respectfully requested that claims 1, 3, 5, 6, 8, 10-15, 17, and 19-24 are passed to issue.

No fees or deficiencies in fees are believed to be owed. However authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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